

SENATE BILL No. 228

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-8.1-9-5; IC 10-17; IC 12-17.2-2-14; IC 22-4.1-2-4.

Synopsis: Military family benefits. Establishes the military family relief trust fund to provide grants to the families of Indiana residents who: (1) are members of the Indiana National Guard or the armed forces reserves; and (2) have been called to active duty after September 11, 2001. Allows the veterans' affairs commission to establish the eligibility criteria and application and selection procedures for the grants. Establishes a taxpayer designation on a state income tax return of: (1) a contribution; or (2) all or part of a state income tax refund; to fund the grants. Provides that an Indiana guard member on active duty is entitled to priority for: (1) child care assistance; and (2) placement in employment and training programs administered by the department of workforce development (DWD) for a period not to exceed one year after discharge; if the member is otherwise eligible for the program. Provides that the spouse of an Indiana guard member on active duty is entitled to priority for placement in DWD employment or training programs, if the spouse is otherwise eligible for the program. Makes an appropriation.

Effective: July 1, 2006.

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January 9, 2006, read first time and referred to Committee on Appropriations.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 228

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans' affairs and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-8.1-9-5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 5. (a) As used in this section, "fund" refers to the**
4 **military family relief trust fund established by IC 10-17-12-8.**

5 **(b) An individual who:**

6 **(1) is a resident of Indiana;**

7 **(2) files an individual income tax return; and**

8 **(3) is entitled to a refund from the department because of the**
9 **overpayment of income tax for a taxable year;**

10 **may designate on the individual's annual state income tax return**
11 **that all or part of the refund to which the individual is entitled is**
12 **to be paid to the fund. If the individual designates an amount that**
13 **is greater than the amount to which the individual is entitled as a**
14 **refund, the entire amount of the individual's refund must be paid**
15 **to the fund.**

16 **(c) A husband and wife who:**

17 **(1) are residents of Indiana;**



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1 (2) file a joint income tax return; and
 2 (3) are entitled to a refund from the department because of
 3 the overpayment of income tax for a taxable year;
 4 may designate on their annual state income tax return that all or
 5 part of the refund to which they are entitled is to be paid to the
 6 fund. If the husband and wife designate an amount that is greater
 7 than the amount to which they are entitled as a refund, the entire
 8 amount of their refund must be paid to the fund.

9 (d) If an individual or a husband and wife designate:

- 10 (1) an amount to be paid to the fund under this section; and
 11 (2) an amount to be paid to the nongame fund under section
 12 4 of this chapter;

13 the department shall first apply the individual's or husband and
 14 wife's refund to payment of the amount designated for the fund.
 15 The department shall apply the balance, if any, of the refund to
 16 payment of the amount designated for the nongame fund.

17 (e) In addition to a designation under subsection (b) or (c), a
 18 taxpayer who:

- 19 (1) is a resident of Indiana; and
 20 (2) files an individual or joint income tax return;

21 may designate on the taxpayer's annual state income tax return
 22 that the taxpayer desires to contribute to the fund by stating the
 23 amount of the contribution, but the amount may not be less than
 24 one dollar (\$1).

25 (f) Individual income tax returns must include a statement that:

- 26 (1) a contribution under subsection (e) does not reduce the
 27 taxpayer's tax;
 28 (2) a contribution under subsection (e) will increase the
 29 amount that must accompany the return; and
 30 (3) the failure to include all or part of the increased amount
 31 referred to under subdivision (2) with the taxpayer's tax
 32 return will reduce the contribution to the extent that the
 33 increased amount is not included.

34 (g) The instructions for the preparation of individual income tax
 35 returns must include a description of the purposes and uses of the
 36 fund that is written in cooperation with the Indiana department of
 37 veterans' affairs.

38 SECTION 2. IC 10-17-1-6 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The director of
 40 veterans' affairs:

- 41 (1) is the executive and administrative head of the department of
 42 veterans' affairs; and

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(2) shall direct and supervise the administrative and technical activities of the department; subject to the general supervision of the commission.

(b) The duties of the director include the following:

(1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.

(2) To appoint, by and with the consent of the commission, under this chapter and notwithstanding IC 4-15-2, the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must be:

(A) honorably discharged veterans who have had at least six (6) months service in the armed forces of the United States and who are citizens of the United States and Indiana; or

(B) spouses, surviving spouses, parents, or children of an individual described in clause (A).

An employee must qualify for the job concerned.

(3) To carry out the program for veterans' affairs as directed by the governor and the commission.

(4) To carry on field direction, inspection, and coordination of county and city service officers as provided in this chapter.

(5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the major veterans' organizations.

(6) To maintain an information bulletin service to county and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service work.

(7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.

(8) To perform the duties described in IC 10-17-12 for the military family relief trust fund.

SECTION 3. IC 10-17-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12. Military Family Relief Trust Fund

Sec. 1. As used in this chapter, "active duty" means full-time service in the:

(1) armed forces; or

(2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

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1 **Sec. 2. As used in this chapter, "armed forces" includes the**
 2 **reserve components of the following:**

- 3 (1) The United States Army.
- 4 (2) The United States Navy.
- 5 (3) The United States Marine Corps.
- 6 (4) The United States Air Force.
- 7 (5) The United States Coast Guard.

8 **Sec. 3. As used in this chapter, "commission" refers to the**
 9 **veterans' affairs commission established by IC 10-17-1-3.**

10 **Sec. 4. As used in this chapter, "department" refers to the**
 11 **Indiana department of veterans' affairs established by**
 12 **IC 10-17-1-2.**

13 **Sec. 5. As used in this chapter, "director" refers to the director**
 14 **of veterans' affairs.**

15 **Sec. 6. As used in this chapter, "fund" refers to the military**
 16 **family relief trust fund established by section 8 of this chapter.**

17 **Sec. 7. As used in this chapter, "national guard" means:**

- 18 (1) the Indiana Army National Guard; or
- 19 (2) the Indiana Air National Guard.

20 **Sec. 8. (a) The military family relief trust fund is established to**
 21 **provide assistance with food, housing, utilities, medical services,**
 22 **basic transportation, and other expenses that have become difficult**
 23 **to afford for families of Indiana residents who are:**

- 24 (1) members of the:
 - 25 (A) armed forces; or
 - 26 (B) national guard; and
- 27 (2) called to active duty after September 11, 2001.

28 (b) The department may expend the money in the fund
 29 exclusively to provide grants for assistance as described in
 30 subsection (a).

31 (c) The director shall administer the fund.

32 **Sec. 9. (a) The fund consists of the following:**

- 33 (1) Refunds and contributions designated for the fund under
- 34 IC 6-8.1-9-5.
- 35 (2) Appropriations made by the general assembly.
- 36 (3) Donations to the fund.
- 37 (4) Interest as provided in subsection (c).
- 38 (5) Money transferred to the fund from other funds.
- 39 (6) Money from any other source authorized or appropriated
- 40 for the fund.

41 (b) The expenses of administering the fund and this chapter
 42 shall be paid from the fund.

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(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

(f) Except as provided by an enactment of the general assembly, there is annually appropriated to the department all money in the fund for the purposes of this chapter.

Sec. 10. The commission may adopt rules under IC 4-22-2 for the provision of grants under this chapter. The rules adopted under this section must address the following:

- (1) Uniform need determination procedures.
- (2) Eligibility criteria.
- (3) Application procedures.
- (4) Selection procedures.
- (5) Coordination with other assistance programs.
- (6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

SECTION 4. IC 12-17.2-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.** (a) As used in this section, "active duty" means full-time service in the national guard for a period that exceeds thirty (30) consecutive days in a calendar year.

(b) As used in this section, "national guard" means:

- (1) the Indiana Army National Guard; or
- (2) the Indiana Air National Guard.

(c) This section applies to a member of the national guard who is:

- (1) a resident of Indiana;
- (2) called to active duty; and
- (3) the parent, guardian, or custodian of at least one (1) child.

(d) Unless otherwise provided under federal law, the division shall give a member of the national guard priority for child care assistance from:

- (1) the federal Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99; or
- (2) a state administered child care assistance program other

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than the program described by subdivision (1);
if the member's child otherwise meets the eligibility requirements
for the program.

(e) If a member's child receives assistance under subsection (d)
while the member is serving on active duty, the assistance must
continue after the member is discharged or released from active
duty as long as the member's child continues to meet the eligibility
requirements of the program.

SECTION 5. IC 22-4.1-2-4 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2006]: Sec. 4. (a) As used in this section, "active duty" means
full-time service in the national guard for a period that exceeds
thirty (30) consecutive days in a calendar year.

(b) As used in this section, "national guard" means:

- (1) the Indiana Army National Guard; or
- (2) the Indiana Air National Guard.

(c) This section applies to a member of the national guard who
is:

- (1) a resident of Indiana; and
- (2) called to active duty.

(d) Unless otherwise provided by federal law, the department
shall give a member of the national guard or the spouse of a
member of the national guard priority for placement in any federal
or state employment or training program administered by the
department if the member or the member's spouse:

- (1) submits documentation satisfactory to the department
establishing the dates of the member's active service; and
- (2) otherwise meets the eligibility requirements for the
program.

(e) For a member of the national guard, the priority under
subsection (d) expires one (1) year after the date the member is
discharged or released from active duty.

(f) For the spouse of a member of the national guard, the
priority under subsection (d) expires on the date the member is
discharged or released from active duty.

SECTION 6. [EFFECTIVE JULY 1, 2006] IC 6-8.1-9-5, as added
by this act, applies to taxable years beginning after December 31,
2006.

SECTION 7. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding
IC 10-17-12-10, as added by this act, the director of veterans'
affairs shall carry out the duties imposed upon:

- (1) the director of veterans' affairs; or

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- 1 (2) the Indiana department of veterans' affairs;
- 2 under IC 10-17-12, as added by this act, under interim written
- 3 guidelines approved by the veterans' affairs commission.
- 4 (b) This SECTION expires on the earlier of the following:
- 5 (1) The date rules are adopted under IC 10-17-12-10, as added
- 6 by this act.
- 7 (2) June 30, 2007.

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